

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

2:13-CV-478 JCM (PAL)

FERNANDO PACCHIEGA,

Plaintiff(s),

v.

FEDERAL HOME LOAN  
MORTGAGE CORPORATION and  
GOLDMAN, SACHS & CO.,

Defendant(s).

**ORDER**

Presently before the court is plaintiff Fernando Pacchiega's motion for entry of clerk's default against defendant Federal Home Loan Mortgage Corporation (doc. # 15).

On February 13, 2013, plaintiff filed a complaint in state court. (Doc. # 1, Ex. A). On March 20, 2013, defendant Goldman, Sachs & Co. removed the matter to this court. (Doc. # 1). On May 8, 2013, plaintiff filed a motion for voluntary dismissal against defendant Goldman Sachs. (Doc. # 13). On May 15, 2013, the court granted plaintiff's motion. (Doc. # 14).

The only remaining defendant in this action is defendant Federal Home Loan Mortgage Corporation. However, to date, the docket does not reflect proof of service upon this defendant.

"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." FED. R. CIV. P. 55(a). A motion is not necessary.

1 Here, plaintiff seeks entry of clerk's default against defendant Federal Home Loan Mortgage  
2 Corporation. However, plaintiff has not served this defendant with process;<sup>1</sup> therefore, entry of  
3 clerk's default as to defendant Federal Home Loan Mortgage Corporation would be improper.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Fernando  
6 Pacchiega's motion for entry of clerk's default against defendant Federal Home Loan Mortgage  
7 Corporation (doc. # 15) be, and the same hereby is, DENIED.

8 DATED May 28, 2013.

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11 UNITED STATES DISTRICT JUDGE  
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28 <sup>1</sup> See Federal Rule of Civil Procedure 4 and Local Rule 4-1 regarding proper service.